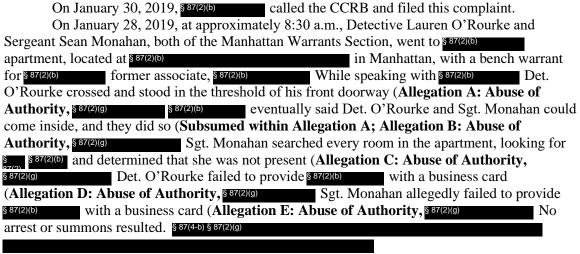
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	U.S.
Conor O'Shea		Squad #6	201900909	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	<u> </u>	Precinct:	18 Mo. SOL	EO SOL
Monday, 01/28/2019 8:30 AM		§ 87(2)(b)		07	7/28/2020	3/14/2021
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/Time	e Received at CCI	RB
Wed, 01/30/2019 10:56 AM		CCRB	Phone	Wed, 01/3	Wed, 01/30/2019 10:56 AM	
Complainant/Victim	Type	Home Addre	ess			
Subject Officer(s)	Shield	TaxID	Command			
1. DT3 Lauren Orourke	2747	948397	WARRSEC			
2. SGT Sean Monahan	05126	947264	WARRSEC			
Officer(s)	Allegati	on		Inve	estigator Recon	nmendation
A.DT3 Lauren Orourke	Abuse: I § 87(2)(b)	Abuse: Detective Lauren O'Rourke entered				
B.SGT Sean Monahan		Abuse: Sergeant Sean Monahan entered				
C.SGT Sean Monahan	Abuse: \$ 87(2)(b)	Abuse: Sergeant Sean Monahan searched				
D.DT3 Lauren Orourke	Abuse: I	Abuse: Detective Lauren O'Rourke failed to provide (Sar(2)) with a business card.				
E.SGT Sean Monahan	Abuse: S	Abuse: Sergeant Sean Monahan failed to provide with a business card.				
§ 87(4-b), § 87(2)(g)						

Case Summary



There is no video evidence in this case.

Findings and Recommendations

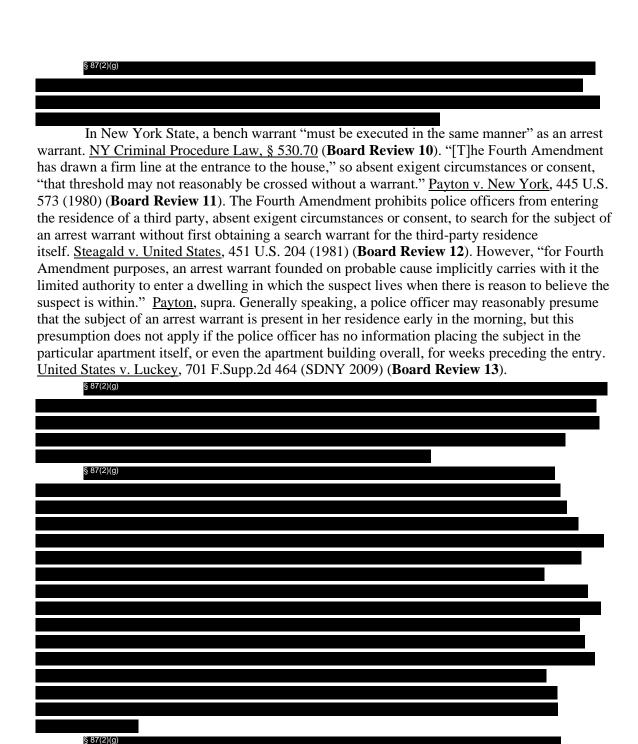
Allegation A—Abuse of Authority: Detective Lauren O'Rourke entered 87 Columbia Street, Apartment #16A in Manhattan.

§ 87(2)(g)
The following facts are undisputed. On April 1, 2018, at approximately 3:05 a.m.,
who was at least an associate of \$87(2)(b) and someone with whom he had
been at least briefly sexually involved in the past—assaulted \$87(2)(b) inside of his
apartment, located at \$87(2)(b) was
putting \$87(2)(b) up for the night as she was homeless and needed a place to stay. Officers
arrested \$ \$87(2)(b) for \$87(2)(b) arrest report (Board Review 01) listed
her address as "Homeless" in New York State; described her relation to the victim, § 87(2)(b)
as "Friend/Acquaintance"; and noted that \$ 87(2)(b) and \$87(2)(b) were not living together.
Following \$ 387(2)(b) arrest, Hon. Angela Badamo of the New York County Criminal
Court issued a stay-away order of protection for \$87(2)(b) against \$87(2)(b) (Board Review
02). The order of protection notes that \$ same series of criminal case involves non-family offenses
and does not involve victims of domestic violence. On §87(2)(b) , §87(2)(b) missed a court
date regarding her April 2018 assault of §87(2)(b) and a judge issued a bench warrant for her
(Board Review 03). There is no address listed for street on the bench warrant. On January 7,
2019, the Warrants Section assigned states as a section assigned case to Det. O'Rourke.
On January 28, 2019, at approximately 8:30 a.m., Det. O'Rourke and Sgt. Monahan went
to § 87(2)(b) apartment to obtain more information about § 87(2)(b) whereabouts without
having done in-person surveillance at the location beforehand. They did not have a search
warrant. § 87(2)(b) order of protection against § 7(2)(b) remained in effect, as did her bench
warrant. Det. O'Rourke and Sgt. Monahan knocked on §87(2)(b) front door and announced
themselves as police officers, which woke \$87(2)(b) up. Aside from his dog, \$87(2)(b)
was home alone. §87(2)(b) got dressed, opened the door, and conversed with Det. O'Rourke
and Sgt. Monahan at the doorway. They informed him that they were looking for \$ \$87(2)(b) \$ \$87(2)(b) \$

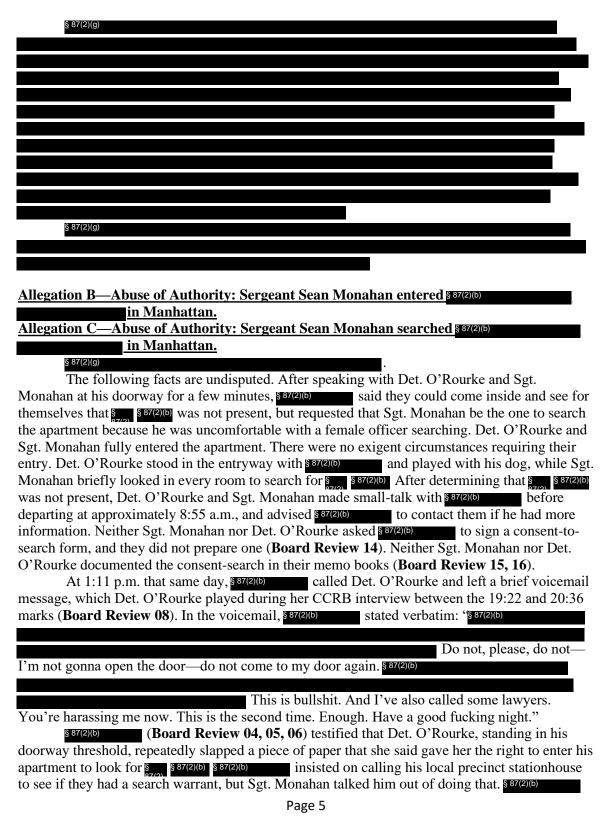
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§ 87(2)(b) informed them that § 87(2)(b) did not live with him, was not present at the time, and that he had an active order of protection against her. After a few minutes, §87(2)(b) stated that Det. O'Rourke and Sgt. Monahan could come inside to see for themselves that was not present. There were no exigent circumstances requiring Det. O'Rourke and Sgt. Monahan's entry. (Board Review 04, 05, 06) testified that, while Det. O'Rourke and Sgt. Monahan spoke with him at his doorway—but before he said they could come inside—Det. O'Rourke blocked the door from closing with her body by standing in the threshold. [8] (2)(b) denied that § § 87(2)(b) would not have been able to close the door if he had tried. § 87(2)(b) ever lived with him, as he had only put her up for a few nights; denied that their relationship was romantic; and said [8] [8] had only received one piece of mail at his address between April 2018 and the end of January 2019, from the Department of Social Services, whom he immediately contacted to inform that the letter was received in error as she did not live with him. Det. O'Rourke's DD5s (Board Review 07) show that she took the following steps prior to January 28, 2019. On January 15, 2019, Det. O'Rourke received [Section of Section of and photo. On January 17, 2019, at 9:55 a.m., Det. O'Rourke knocked on \$87(2)(b) did not see or hear anything in the apartment. On January 27, 2019, Det. O'Rourke conducted a shelter check at her office, which revealed that \$ 887(2)(b) was not, and had never been, in the shelter system. At all times prior to January 28, 2019, and for months afterwards, as well, 887(2)(b) address on the DD5 documents says New York and does not list a particular residence. The DD5s refer to \$87(2)(b) as § 87(2)(b) arrest location—never as her residence, past or present. Det. O'Rourke (Board Review 08) testified that, at the time of her CCRB interview, she knew \$ 87(2)(b) to be transient, described her as "a ghost," and knew that \$ 87(2)(b) did not receive HRA benefits, was not in the NYC homeless shelter system, and had no residence listed on file anywhere. Det. O'Rourke conducted an HRA check for \$ \$ \$ \$ 87(2)(5) \$ benefits prior to her arrival at \$37(2)5 apartment, but her DD5s (Board Review 07) show that this was actually conducted weeks later, on February 19, 2019. Det. O'Rourke believed there was a possibility that § 87(2)(b) might still reside there, because § 887(2)(b) was arrested there in April 2018 and because \$ 87(2)(b) had a prior romantic history with \$ 87(2)(b) However, after \$ 87(2)(b) told Det. O'Rourke that he did not know where \sum \setminus 887(2)(b) was and denied that she was present or living with him, it was very obvious to Det. O'Rourke that § 87(2)(b) had no dealings with \$87(2)(b) that he did not know where she was, and that she was not living with him. During this conversation, Det. O'Rourke stood "probably just outside the frame, or maybe just inside the frame, or maybe leaning on the frame," which Det. O'Rourke clarified to mean that she was standing "probably just in the doorway." Det. O'Rourke acknowledged that her body was likely in the way of § 87(2)(b) closing the door. Sgt. Monahan (Board Review 09) initially testified that §87(2)(b) was \$ 87(2)(b) last known address, which was obtained from the warrant. Upon reviewing the bench warrant, which listed \$ 887(2)(b) address as blank, Sgt. Monahan said \$ 887(2)(b) address could have been established in any number of unspecified ways, including dozens of unspecified database searches that an investigating detective such as Det. O'Rourke could conduct. Sgt. Monahan was unable to clarify how or why he believed that 507(2)(b) apartment was \$ 87(2)(b) last known address if not from the bench warrant itself. Sgt. Monahan testified that he and Det. O'Rourke spoke with \$87(2)(b) while standing in front of the doorway and outside the apartment.

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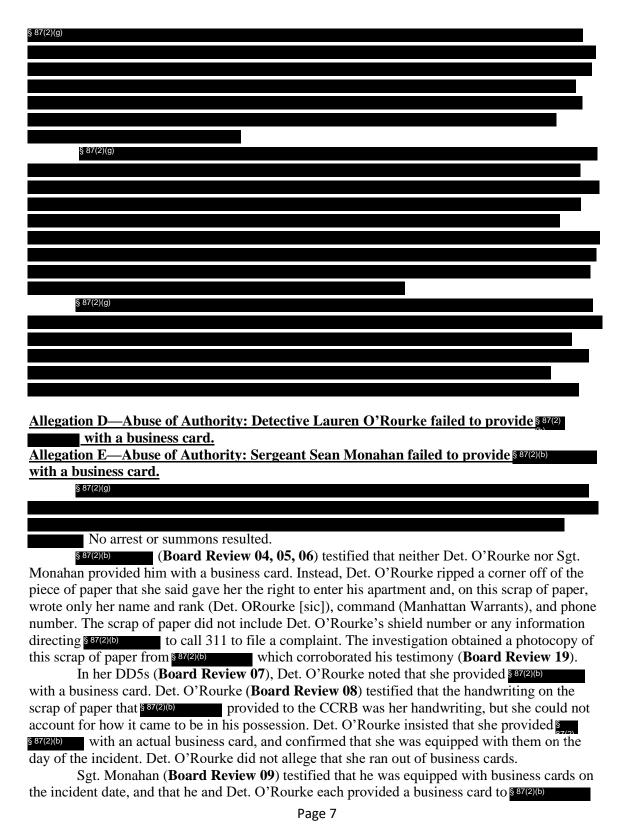


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initially refused the officers entry. §87(2)(b) did not feel free to refuse them entry, and eventually relented to their pressure. When Det. O'Rourke and Sgt. Monahan fully stepped into
his apartment, \$87(2)(b) believed they did so against his will.
Det. O'Rourke (Board Review 08) testified that, after a five minute conversation in
which she repeatedly asked \$87(2)(b) if \$87(2)(b) lived with him, and he repeatedly said no,
said, "You could come in and look." Det. O'Rourke did not remember whether she
said she had the right to enter and search the apartment or whether \$87(2)(b) wanted to call
the local stationhouse. No officer told \$87(2)(b) that he could refuse them entry. Det.
O'Rourke described \$87(2)(b) pre-consent demeanor by saying: "He was alright. Like, you
know, nobody really wants the cops at their door. I understand that."
Sgt. Monahan's (Board Review 09) testified that he and Det. O'Rourke spoke with
while his door was closed and open. Before entering the apartment, Sgt. Monahan and
Det. O'Rourke repeatedly asked \$87(2)(b) "Do you mind if we come inside?" Sgt. Monahan
did not remember whether he or Det. O'Rourke said they had the right to do so. \$87(2)(6)
never said he did not want the officers to enter his apartment, but expressed hesitation about them
coming inside due to his apartment being messy At some point, either Det. O'Rourke or Sgt.
Monahan informed \$87(2)(b) that he had the right to decline them entry. After a few minutes,
invited the officers inside and permitted them to enter the apartment by saying
something to the effect of, "I'll let you in because I don't want you coming back." Sgt. Monahan
believed that \$87(2)(b) consented in order to avoid having to deal with the officers returning
at early-morning hours until they confirmed whether \$ \$87(2)(b) was at the apartment.
§ 87(2)(g)
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§ 8	7(2)(g)
ŢŢ	Inon completion of a home search that does not result in a summons or arrest, uniforms
	pon completion of a home search that does not result in a summons or arrest, uniforme
	of service must provide the subject of that search with a business card even if he or she
	request one, subject to certain exceptions. NYC Administrative Code 14-174(b)(3)
	eview 20). To satisfy this requirement, a business card must, at a minimum, include: the
	name, rank, shield number, and command; and a phone number for the 311 customer
	nter and an indication that this phone number may be used to submit comments about
the encou	nter. NYC Administrative Code 14-174(f).
§ 8	7(2)(g)
8.8	7(2)(g)
3 -	- 1-/1-3/
0.2	7(2)(a)
3 0	7(2)(g)
07/4 5) 6 07(0)	
87(4-b) § 87(2)	(9)
	,

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8 97(4-b) 8 97(2)(a)							
§ 87(4-b) § 87(2)(g)							
	Civilian	and Officer CCRB Histories					
• This	is the first and only CCRB co	<u> </u>	en a party				
	rd Review 21).		1 3				
	• Det. O'Rourke has been a member of service for 10 years and named a subject in three						
	other CCRB complaints and five other allegations, none of which were substantiated.						
		of service for 11 years and named a su	hiect in three				
		other allegations, none of which were					
§ 87(2)(g							
	Madiation	Civil and Criminal Histories					
• § 87(2)(t		<u> </u>					
		Office of the Comptroller confirmed th	at § 87(2)(b)				
		garding this incident (Board Review 2)					
• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]						
a 137	W0.5						
Squad No.:	<u>#06</u>						
Investigator:		Investigator Conor O'Shea					
mvestigator.	Signature	Print Title & Name	Date				
	-						
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	Signature	rini Tiue & Name	Date				
Reviewer:							

Page 9

Print Title & Name

Date

Signature